

APPROVED MINUTES

KITTERY TOWN COUNCIL

November 24, 2014

COUNCIL CHAMBERS

1. Call to Order

Chairperson Thomson called the meeting to order at 7:00 P.M.

2. Introductory

Chairperson Thomson read the introductory.

3. Pledge of Allegiance

Chairperson Thomson led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll were Chairperson Jeffrey Thomson, Councilors Russell White, Frank Dennett, Chuck Denault, Jeffrey Pelletier, Judy Spiller and Ken Lemont.

5. Agenda Amendment and Adoption –

Chairperson Thomson stated that action on item 9(b) will be taken under a new item 13(l). The agenda was accepted as amended.

6. Town Manager's Report –

Town Manager Puff stated relative to the Athletic Field Master Plan, that they had received 3 proposals and interviews were going to be conducted the following week.

Town Manager Puff indicated relative to the traffic the PNSY, that she had spoken with the Shipyard who would remind the traffic director on duty that pedestrians needed to cross. She continued that they were going to be working on a better way to manage traffic at the Shipyard.

Town Manager Puff noted relative to the Kittery Pedestrian and Bicycle Improvement Plan, that they were working with KACTS and MDOT on the grant funded project to look at the pedestrian and bike traffic in the by-pass area. She said they expected to schedule a public hearing on the matter in the near future.

Town Manager Puff stated that during the high winds the flags were lowered or taken down to protect them.

Town Manager Puff indicated that the sewer expansion bids would be going out on December 5th with a return date of December 31st.

APPROVED MINUTES

Town Manager noted that the Sewer Department had received a grant for \$1211 to purchase traffic safety barricades and signage from MMA.

Town Manager Puff indicated that they had conducted first round interviews for the CEO that week.

7. Acceptance of Previous Minutes – 10/15/14 & 11/10/14

The minutes of 10/15/14 were accepted as amended. The minutes of 11/10/14 were held in abeyance until the next regular meeting.

8. Interviews for the Board of Appeals and Planning Board –

Planning Board

- Robert Harris
- Matt Brock
- Deborah Driscoll Davis – re-appointment until 11/30/17

Robert Harris came to the podium and indicated that he was retired and had the time to participate on the board. He stated that he had some ideas and was up to speed on that the Board was doing and that he thought he could be of service.

Matt Brock came to the podium and indicated that he hoped to be able to help with the planning and development of the town. He noted that the Planning Department was in transition and it was a time where development and pressures existed and would likely increase.

COUNCILOR DENAULT NOMINATED ROBERT HARRIS TO THE PLANNING BOARD FOR A TERM ENDING 11/30/16, SECONDED BY COUNCILOR PELLETIER.

Chairperson Thomson stated that he had no compelling reason not to appoint the person who was on the waiting list for the longest.

COUNCILOR SPILLER NOMINATED MATT BROCK TO THE PLANNING BOARD FOR A TERM ENDING 11/30/16, SECONDED BY COUNCILOR WHITE.

A ROLL CALL WAS TAKEN ON MR. HARRIS'S NOMINATION WITH COUNCILOR SPILLER AND COUNCILOR WHITE OPPOSED. MOTION PASSES 5/2.

A ROLL CALL VOTE WAS TAKEN ON MR. BROCK'S NOMINATION WITH COUNCILOR DENNETT, COUNCILOR DENAULT AND CHAIRPERSON THOMSON OPPOSED. MOTION PASSES 4/3.

Mr. Harris was then appointed to the Planning Board because he had more positive votes.

APPROVED MINUTES

Debbie Driscoll- Davis came to the podium and indicated that she enjoyed being on the Board and had the town's best interest in mind.

COUNCILOR SPILLER MOVED TO RE-APPOINT DEBORAH DRISCOLL-DAVIS TO THE PLANNING BOARD FOR A TERM ENDING 11/30/17, SECONDED BY COUNCILOR PELLETIER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

Board of Appeals

- Gary Beers – until 12/1/17
- Brian Boyle – until 11/1/17

COUNCILOR WHITE MOVED TO RE-APPOINT GARY BEERS TO THE BOARD OF APPEALS FOR A TERM ENDING 12/1/17 AND BRIAN BOYLE TO THE BOARD OF APPEALS FOR A TERM ENDING 11/1/17, SECONDED BY COUNCILOR PELLETIER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials –

a. (110314-1) The Kittery Town Council moves to discuss the installation of steps on the town's ROW on Bowen Road.

Town Manager Puff gave a brief background on the issue and stated that the recommendation was to properly permit what was currently there and require replanting of the area.

Councilor Dennett stated that it was imperative to determine where the town owned the property or if it only had a right of way over the parcel. He continued that he would like to receive a legal opinion from the town attorney.

Shelly Bishop came to the podium and indicated that the steps that were currently in place were not up to code. She noted that they could either keep what was currently there or expand the steps to three feet with a rail system. Ms. Bishop stated that it would be difficult to replicate exactly what was there previously.

APPROVED MINUTES

Chairperson Thomson indicated that he agreed with Councilor Dennett that a legal opinion should be obtained from the town attorney. The Chair then stated they would hear from each side on the matter.

Nick Clainos of Bowen Road came to the podium. He stated that he was the resident who was at issue and that they had hired an attorney to look into who owned the parcel and that it might never be known. Mr. Clainos continued that they did not take the steps out, but that they had disappeared and they were trying to fix the situation for the safety factor. He continued that they had gone to DEP, who had approved the project, and that they had also gone to the town but there had been some miscommunication. Mr. Clainos stated that it was never his intention to cause a problem.

Donna Jean Ahigian came to the podium and noted that no one was allowed to clear cut through the buffer zone and put stairs in. She continued that the stairs currently were not safe. Ms. Ahigian noted that she did not think that the taxpayers should be responsible for paying for this and that the town needed to send a clear message that changes to town property by individuals were not acceptable.

b. (110314-2) The Kittery Town Council moves to approve proposed amendments to the Fort Foster Rules and Regulations fee schedule.

Jeremy Paul, Assistant Director of the KCC, came to the podium and indicated that they wanted to do online registrations for events at Fort Foster. He continued that they already had the software to do so but the company was raising the fees and they wanted the customer to absorb the cost. Town Manager Puff indicated that the Parks Commission agreed it was time to raise the rates. (continued on lines 250-254)

10. PUBLIC HEARINGS -

a. (110314-3) The Kittery Town Council moves to hold a public hearing on a proposed amendment to Chapter 10.2.2 Stop Intersections Designated, Section 10.2.2.1 On Public Ways, of the Kittery Town Code.

Town Manager Puff noted this issue dealt with two new stop signs on Manson Road. She noted that the police chief thought this would have a positive impact in the neighborhood.

COUNCILOR WHITE MOVED TO APPROVE A PROPOSED AMENDMENT TO CHAPTER 10.2.2 STOP INTERSECTIONS DESIGNATED, SECTION 10.2.2.1 ON PUBLIC WAYS, OF THE KITTERY TOWN CODE, SECONDED BY COUNCILOR SPILLER.

Councilor Denault stated he had heard from residents who were concerned that these new signs would create accidents as residents were not used to having them there. Councilor Dennett

APPROVED MINUTES

said he did not think this would be beneficial as speeding was not the problem. Councilor Pelletier indicated that he was not inclined to support this.

A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR WHITE IN FAVOR. MOTION DOES NOT CARRY 1/6.

11. Discussion

a. Discussion by members of the public –

Susan Emery came to the podium and stated that the helicopter noise was detracting from the quality of life and thought they needed to work on getting rid of them. She also stated relative to boards and commissions in town, that it used to be on a first come, first served basis, and she thought it was the best process as it would eliminate politics and biases.

Steve Workman came to the podium and stated that he hoped that Council would vote in favor of the Bike Maine event in September.

Shay Robbins came to the podium and stated that she thought the town needed to get more involved with the helicopter noise problem by asking the companies to abide by the Pease noise abatement procedures.

Mary Thron came to the podium and indicated that she hoped Council would vote in favor of item 13(j).

Milton Hall came to the podium and asked what had happened to the shore and harbor plan.

b. Response to public comment directed at a particular Councilor

c. Chairperson's response to public comments

Chairperson Thomson responded to Mr. Hall that the plan must still be with the Planning Board.

Chairperson Thomson responded relative to the helicopter noise problem, that he had not heard very many concerns from residents and thought that noise was going to be a problem wherever you happened to be.

12. UNFINISHED BUSINESS – None

13. NEW BUSINESS

a. Donations/gifts received for Council disposition - None

APPROVED MINUTES

b. (110314-4) The Kittery Town Council moves to approve a request from the Charity Defense March for the use of the Shapleigh Middle School track, soccer and baseball field and parking lots for the opening ceremonies site for the Charity Defense March to be held on June 25, 2015, 8 am to 5 pm and June 26, 2015, 4 am to 12:30 pm.

Dan Pallotta, President of the Charity Defense Council, came to the podium and indicated that they wanted to use the grounds for the opening ceremony and beginning of the three day walk from Kittery to Salem, MA. He continued that they were a national leadership organization in the non-profit sector and hoped the town would welcome them and that they were ready to do whatever was necessary for Council to approve this.

Councilor Dennett asked how many people would be attending the event. Mr. Pallotta responded it would be about 500 people. Chairperson Thomson stated his concern was the cost that the town had incurred for the maintenance of the fields. He continued that he thought that it might be a better idea for them to start the walk in Portsmouth. Mr. Pallotta responded that they thought that Maine would be a wonderful draw for the participants and they would really love to start in Kittery.

COUNCILOR WHITE MOVED TO APPROVE THE REQUEST – NO SECOND. MOTION FAILS.

c. (110314-5) The Kittery Town Council moves to approve a request from Bike Maine to camp overnight (400 people) at Fort Foster, September 12, 2015, including parking of 150-200 vehicles from September 12-19, 2015.

Kim True, Ride Director for Bike Maine, came to the podium and indicated that they were hoping to use Fort Foster for the start of the 2015 event and went over the details of the event. She continued that they were be incurring all fees and the riders would be charged a \$15 fee for parking their car at Fort Foster which the town could use in any way it pleased. Chairperson Thomson asked if they had insurance to cover any possible vandalism to the cars. Ms. True indicated that they did and the riders would also be signing a waiver. Paige Mead of the Parks Commission indicated that he did not think that it would interfere with residents using the park and there was plenty of parking for everyone.

COUNCILOR PELLETIER MOVED TO APPROVE THE REQUEST FROM BIKE MAINE TO CAMP OVERNIGHT AT FORT FOSTER, SEPTEMBER 12, 2015, INCLUDING PARKING OF 150-200 VEHICLES FROM SEPTEMBER 12-19, 2015, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT OPPOSED. MOTION PASSES 6/1.

APPROVED MINUTES

- d. (110314-6) The Kittery Town Council moves to approve the disbursement warrants.

CHAIRPERSON THOMSON MOVED TO APPROVE THE DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR SPILLER WITH ALL IN FAVOR. MOTION PASSES 7/0.

- e. (110314-7) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Port Authority to interview Peter Walsh for his appointment to that board until 8/31/2018 (filling the unexpired term of Dan Arbo).

COUNCILOR DENNETT MOVED TO APPOINT COUNCILOR SPILLER TO MEET WITH THE CHAIR OF THE PORT AUTHORITY TO INTERVIEW PETER WALSH FOR HIS APPOINTMENT TO THAT BOARD UNTIL 8/31/2018, SECONDED BY COUNCILOR PELLETIER WITH ALL IN FAVOR. MOTION PASSES 7/0.

- f. (110314-8) The Kittery Town Council moves to accept the resignation from David Lincoln from the Parks Commission.

COUNCILOR LEMONT MOVED TO ACCEPT THE RESIGNATION FROM DAVID LINCOLN FROM THE PARKS COMMISSION, SECONDED BY COUNCILOR WHITE WITH ALL IN FAVOR. MOTION PASSES 7/0.

- g. (110314-9) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Parks Commission to interview Gale Turner for her appointment to move from an alternate to full member until 5/3/17.

CHAIRPERSON THOMSON MOVED TO APPOINT GALE TURNER AS A FULL MEMBER TO THE PARKS COMMISSION UNTIL 5/3/17, WITHOUT THE BENEFIT OF AN INTERVIEW, SECONDED BY COUNCILOR PELLETIER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

- h. (110314-10) The Kittery Town Council moves to appoint John J. Delio to the Personnel Board until 11/24/16.

COUNCILOR DENNETT MOVED TO APPOINT JOHN J. DELIO TO THE PERSONNEL BOARD UNTIL 11/24/16, SECONDED BY COUNCILOR PELLETIER, WITH ALL IN FAVOR. MOTION PASSES 7/0.

- i. (110314-11) The Kittery Town Council moves to establish December 1, 2014, as the effective date of the charter amendment approved by the voters on November 4, 2014.

APPROVED MINUTES

COUNCILOR DENNETT MOVED TO ESTABLISH DECEMBER 1, 2014, AS THE EFFECTIVE DATE OF THE CHARTER AMENDMENT APPROVED BY THE VOTERS ON NOVEMBER 4, 2014, SECONDED BY COUNCILOR PELLETIER WITH ALL IN FAVOR. MOTION PASSES 7/0.

j. (110314-12) The Kittery Town Council moves to schedule a public hearing on proposed amendments to Title 16 as recommended by the Planning Board.

COUNCILOR DENNETT MOVED TO SCHEDULE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO TITLE 16 ON DECEMBER 8, 2014, SECONDED BY COUNCILOR PELLETIER WITH ALL IN FAVOR. MOTION PASSES 7/0.

k. (110314-13) The Kittery Town Council moves to approve and sign the School Department Policy on Disbursement Warrants for School Employee Wages and Benefits to expire on November 30, 2015.

COUNCILOR PELLETIER MOVED TO APPROVE AND SIGN THE SCHOOL DEPARTMENT POLICY ON DISBURSEMENT WARRANTS FOR SCHOOL EMPLOYEE WAGES AND BENEFITS TO EXPIRE ON NOVEMBER 30, 2015, SECONDED BY CHAIRPERSON THOMSON WITH ALL IN FAVOR. MOTION PASSES 7/0.

l. The Kittery Town Council moves to approve amendments to the fee structure at Fort Foster as proposed. (continued from line 124)

COUNCILOR SPILLER MOVED TO APPROVE THE AMENDMENTS TO THE FEE STRUCTURE AT FORT FOSTER AS PROPOSED, SECONDED BY COUNCILOR PELLETIER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

14. COUNCILOR ISSUE OR COMMENT

Councilor Denault asked when the town staff would be taking the diversity and sensitivity training with MMA. Town Manager Puff responded that she had been in touch with MMA and it would be scheduled in the near future.

Councilor Spiller asked for an update on the 103/Whipple Road sidewalk.

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson –

APPROVED MINUTES

Chairperson Thomson stated they would be having a workshop with Senator Hill on December 8th at 6:15 PM.

Chairperson Thomson noted there was a goal setting workshop on December 15th.

b. Committee Reports – None

16. EXECUTIVE SESSION – None

17. ADJOURNMENT

COUNCILOR SPILLER MOVED TO ADJOURN, SECONDED BY COUNCILOR PELLETIER WITH ALL IN FAVOR. MEETING ADJOURNED AT 9:49 P.M.